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11 S. Meridian Street
Indianapolis, IN 46204-3535 U.S.A.
(317) 236-1313
Fax (317) 231-7433
www.btlaw.com

J.T. Larson
317-231-7729
jt.larson@btlaw.com

MEMORANDUM ENDORSED

January 10, 2025

Via Electronic Court Filing

Honorable Gregory H. Woods
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Rouviere v. DePuy Orthopaedics, Inc., et al., Case No: 1:18-cv-04814-GHW-GS*

Dear Judge Woods:

We represent DePuy Orthopaedics, Inc. (“DePuy”) (now known as Medical Device Business Services, Inc.) in the above-referenced matter. We write jointly on behalf of DePuy and Howmedica Osteonics Corp. (“Stryker”, together with DePuy, “Defendants”).

On Monday, January 6, 2025, Plaintiff Jodi Rouviere (“Plaintiff”) served on Defendants an omnibus reply brief (the “Reply”) to Defendants’ opposition briefs (ECF Nos. 379, 380, 381 and 383) to Plaintiff’s Motion for Relief of Judgment (ECF No. 364, the “Vacatur Motion”) and Motion for Evidentiary Hearing (ECF No. 373, the “Evidentiary Hearing Motion”). The Reply has not yet been filed on the docket, but Plaintiff has represented to Defendants that she mailed a copy of the Reply to the Court’s pro se office for filing on the date of service. A copy of the Reply is attached hereto at **Exhibit A**.

In her Reply, Plaintiff raises new arguments and allegations not previously raised in either the Vacatur Motion or the Evidentiary Hearing Motion, principally that Second Circuit Judge Reena Raggi should have been disqualified based on income she received from her late husband’s firm, Seyfarth Shaw LLP, which has represented Stryker in separate litigation. *See* Reply at 5–7. In addition, Plaintiff makes new allegations of unethical conduct against Judge Liman, Judge Aaron, and counsel to Defendants.

Issues raised for the first time on reply are generally deemed waived. *See, e.g., Gomez v. Resurgent Cap. Servs., LP*, 129 F. Supp. 3d 147, 159 (S.D.N.Y. 2015). Nonetheless, Defendants

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respectfully request the opportunity to jointly file a short sur-reply in order to address these new arguments and allegations, by no later than **January 17, 2025**.

Respectfully submitted,


J.T. Larson, Esq.

cc: Jodi Rouviere
Paul E. Asfendis, Esq.

Application granted. Defendants' request for leave to file a joint sur-reply, Dkt. No. 387, is granted. Defendants are granted leave to file a five-page sur-reply by no later than January 17, 2025. The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 384 and 387.

SO ORDERED.

Dated: January 11, 2025
New York, New York



GREGORY H. WOODS
United States District Judge